

AFFIDAVIT

1:19MJ2005

I, Casey T Carty, a Special Agent (SA) with the Federal Bureau of Investigation (FBI), Cleveland Division, being duly sworn, depose and state as follows:

1. I have been employed as a Special Agent of the FBI since April 2004, and am currently assigned to the FBI's Cleveland Division. While employed by the FBI, I have conducted investigations of numerous federal criminal offenses including white collar crimes, crimes against children, violent crimes and narcotics offenses. I have gained experience through training at the FBI Academy and everyday work related to these types of investigations.
2. I am an "investigative or law enforcement officer" of the United States within the meaning of Section 2510(7) of Title 18, United States Code, and empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in Section 2516 of Title 18, United States Code.
3. This affidavit is being submitted for the limited purpose of establishing probable cause that Johnny G Mack, III, age 39, of Elyria, Ohio, has violated Title 18 U.S.C. § 2119 (attempted carjacking). The statements contained in this affidavit are derived from information provided to me by members of the Elyria Police Department (EPD) as well as my own investigation of this matter. This affidavit does not include every fact known to me regarding this investigation, but will seek to summarize relevant information.

Probable Cause

4. On December 12, 2018 at approximately 11:15 p.m., Victim 1 (an identified victim whose identity is known to your Affiant) exited the Speedway gas station located at

990 E. Broad Street, Elyria, OH and walked toward her 2016 Nissan Altima parked near the station's front door. Victim 1 observed a white male, unknown subject (Unsub 1) standing near her vehicle. Unsub 1 approached Victim 1 and asked her for directions to a nearby address. Victim 1 entered her car and attempted to look up directions to the address on her phone. Unsub 1 made Victim 1 feel uncomfortable, so upon entering her car, Victim 1 retrieved a small pocket knife from her car's center console and placed it under her right leg. As Victim 1 sat in her driver's seat, Unsub 1 moved closer to her open driver's side door. Unsub 1 continued to move closer to Victim 1, until he began forcing his way into her driver's side door and shoving Victim 1 into her car toward the front passenger seat.

5. While shoving Victim 1 into the car, Unsub 1 pulled out a knife, shouted at Victim 1 to get out of the car and threatened to stab her. As Victim 1 struggled to move toward the front passenger side door, she realized Unsub 1 was stabbing her with his knife. During the struggle, Victim 1 was able to use her knee to sound her car's horn, and managed to open her front passenger side door and scream for help.
6. In response to Unsub 1's unprovoked knife attack, Victim 1 grabbed her own knife and thrust it toward Unsub 1 in self-defense. The commotion attracted the attention of other customers at the station, who approached Victim 1's car. As others began to draw near, Unsub 1 fled south from the area on foot.
7. Responding EPD personnel assisted Victim 1 and found that she had sustained multiple small puncture wounds to both of her legs, her stomach and her hand. Victim 1 declined medical treatment, however her injuries were photographed by EPD personnel. Victim 1 sought medical attention two days later.

8. EPD searched the area toward which Unsub 1 fled, however he was not apprehended that evening.
9. Security camera footage taken from Speedway's camera system did capture Unsub 1 in the station's parking lot moments before the attack. A still image of Unsub 1 taken from the camera footage was circulated throughout the media. In response, on December 14, 2018, EPD received a tip identifying the suspect in the security camera footage as Johnny G. Mack, III of Elyria. EPD also learned that Johnny G. Mack, III was on parole for burglary under the supervision of the Ohio Adult Parole Authority. Attempts to locate Mack at his residence were unsuccessful. EPD next contacted Mack's brother, Jason Mack, regarding this matter. Jason Mack identified his brother Johnny G. Mack, III, from the security camera footage, and stated that the blue coat worn by the suspect in the security camera footage was one he had personally given to his brother.
10. On December 14, 2018 Johnny G. Mack, III was located and arrested in the parking lot of the Chestnut Commons Shopping Center in Elyria. Mack was taken into custody by EPD without incident. He was advised of his Miranda rights by EPD Detective Dan Sumpter upon being taken into custody.
11. Mack was brought back to EPD and agreed to be interviewed by EPD Detectives. He was reminded of the Miranda rights he had been read upon his arrest and indicated he remembered his rights. Mack admitted to attempting to steal a woman's car outside the Speedway gas station. He walked to the Speedway from his home and "snapped". He described asking the female for some directions, which led to her "pushing" on him. Mack then "pushed back", and the female pulled a knife and cut his arm. Mack

said to the female “bitch give me the car”, but the female did not want to give up her car. He did not recall what the female looked like and did not think he had ever seen her before. He said he wanted her car so that he could drive to Cleveland to see his son. He denied stabbing Victim 1.

12. On December 14, 2018 Victim 1 appeared at EPD and was presented with a photo array containing photographs of six individuals. A photo of Johnny G. Mack, III was included in the photo array, however names and identifying information associated with the photos were not displayed for Victim 1 to see. Victim 1 positively identified Johnny G. Mack, III as the individual who attacked her in the parking lot of Speedway on December 12, 2018.

13. On January 3, 2019, I queried the online records of the Ohio Bureau of Motor Vehicles (BMV) through the Ohio Law Enforcement Gateway. BMV records identified the Vehicle Identification Number (VIN) associated with Victim 1’s 2016 Nissan Altima as 1N4AL3AP4GC130077. I then met with Chris Peters, General Sales Manager of I-90 Nissan in Sheffield Village, OH. I provided Peters with the aforementioned VIN, and was provided with documentation associated with the vehicle indicating it was assembled in Smyrna, Tennessee. Based on this information, I believe Victim 1’s 2016 Nissan Altima did travel in interstate commerce.

Conclusion

14. Based on the preceding, there is probable cause to believe that Johnny G Mack, III, age 39, of Elyria, Ohio, has violated Title 18 U.S.C. § 2119 (attempted carjacking).

Casey T. Carty

Casey Carty, Special Agent
Federal Bureau of Investigation

This affidavit was sworn to by the affiant by telephone after a PDF was transmitted by email, per
Crim R. 41(d)(3).

Jan 7, 2019

Date



David A. Ruiz

David A. Ruiz
United States Magistrate Judge